

Applicant : Walter R. McVey et al.
Serial No. : 09/849,239
Filed : May 7, 2001
Page : 6 of 7

Attorney's Docket No.: 16969-029001

REMARKS

Claims 1-14 and 21 are pending. Independent claims 1 and 21 are amended. Support for the amendments is found at least in FIGS. 6, 7 and 9 of the present application.

Applicants appreciate the courtesies shown by Examiner Choi to Applicants' Agent Julius Fister during a telephone interview earlier today. The remarks and claim amendments presented herein are in accord with those discussed during the interview.

Claims 1-14 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 5,789,153 to Falkner et al. ("Falkner").

Claim 1 recites a method for performing electrophoresis. According to claim 1, each sample fragment is tagged with a dye selected from a first group of dyes. The dye of each fragment has a fluorescent spectrum that indicates a property (e.g., a terminal base) of that fragment. The reference fragments are each tagged with a dye selected from the first group of dyes. Reference fragments with substantially similar sizes are tagged with a common dye. The sample and reference fragments are separated within a separation lane. A fluorescence spectrum is obtained from each fragment. The fluorescence spectra of the reference fragments are used to prepare calibration information (e.g., a calibration matrix). The calibration information and the fluorescence spectra of the sample fragments are used to determine a property (e.g., the terminal base) of each sample fragment.

Falkner does not disclose or suggest claim 1. For example, Falkner does not disclose or suggest the claimed steps of providing a plurality of reference fragments, determining first color calibration information, and determining at least one property of the sample fragments based upon the first color calibration information and the fluorescence spectra of the sample fragments. Claim 1 is believed to be patentable over Falkner for at least this reason.

Claim 21 also recites a method for performing electrophoresis. In claim 21, a plurality of reference fragments are provided. Each of at least some reference fragments of different size are tagged with a dye selected from the first group of dyes. The fluorescence spectra of the dyes of the different sized reference fragments are different. Claim 21 also recites determining first

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Page : 7 of 7

Attorney's Docket No.: 16969-029001

color calibration information based upon the fluorescence spectra of the reference fragments and determining at least one property of the sample fragments based upon the first color calibration information and the fluorescence spectra of the sample fragments. In view of at least the foregoing, claim 21 is submitted to be patentable over Falkner.

Applicants submit that the rejection of independent claims 1 and 21 as well as dependent claims 2-14 has been overcome. Applicants respectfully request that the Examiner contact the undersigned if any questions remain.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date:

June 14, 2005

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